

1 A. Well, she did work the weekend. But the first
2 time she showed up was the 9th, not the 16th. That's
3 what I'm trying to clarify.

4 Q. So when Miss Payne testified that the only time
5 she met Mrs. Palmer was the day she fired her; is that
6 not accurate?

7 A. It's a possibility. Because what I'm not sure
8 about is if she just talked to her on the phone for
9 scheduling or because she assumed that I talked to her,
10 she already put her on the weekend schedule for the 16th
11 and 17th. And I did not get into detail with her the
12 following week because there was so much other stuff
13 going on. I never thought I was going to have EEOC on
14 this whole scenario. I thought she was going to work out
15 great.

16 Q. Was Mrs. Palmer ever interviewed by anyone?

17 A. She met me. That was a brief interview if you
18 even consider that an interview. And Joan, I asked her
19 to meet with her.

20 Q. You asked her to meet face to face with her?

21 A. I asked her to see Joan about her scheduling and
22 see if she can make it work within our operation.

23 Q. So at the time that Mrs. Palmer was hired under
24 Nabstar, the impression was that she could possibly work



1 out as an employee?

2 A. I think that's the impression that I think all
3 three of us got I believe. And the only way we would
4 know that is if we actually saw her work since she never
5 worked with us previously.

6 Q. Mrs. Palmer was permitted to work a full weekend
7 breakfast shift; is that correct?

8 A. Yeah.

9 Q. One time; is that correct?

10 A. Yeah. And then the two weeks happened so that
11 the new two-week schedule comes out on Monday.

12 Q. I'm just asking how many weekends Mrs. Palmer
13 worked. One, correct?

14 A. That I remember was one. I don't think she
15 worked after that.

16 Q. Earlier you just testified that, despite her
17 weekend schedule, you thought it might be possible to
18 keep her employed with Nabstar; is that correct?

19 A. Only if she could work the other three days.
20 That would make five full days. It doesn't have to be
21 Monday, Tuesday, Wednesday. It could be Wednesday
22 through Sunday or Monday, Tuesday, Thursday, Friday,
23 Saturday, anything. She had to work full-time to make it
24 easy for us to schedule all employees.



1 Q. What are the reasons that you, all the reasons
2 that you are fully aware of, as you sit here today, that
3 Mrs. Palmer was terminated immediately thereafter her
4 first weekend of work?

5 MR. CONNORS: Objection. Asked and
6 answered. But you may answer again.

7 THE WITNESS: There were complaints already
8 that we knew about it. But that's something you can sit
9 down and talk to the employees. The biggest one was the
10 schedule conflict. Because if the person can't work the
11 way we have the need, then what else can you do? You
12 can't force them to come to work.

13 BY MS. SMITH:

14 Q. Have you ever seen this document marked Payne 2?

15 A. Yes.

16 Q. And when did you first see this document?

17 A. Probably about a week later. Because at our
18 meeting, I said you need to put something in writing in
19 her file. Because when she was telling me more about her
20 daughter calling and trying to sue, I said that was a
21 training thing for her too. I said for every
22 conversation you have, you should write it down.

23 And, in fact, after this, I even told her
24 you should stop doing verbal warnings for major



1 incidents. If somebody is late five minutes, that's a
2 different story. You should do less verbal warnings and
3 more written warnings.

4 Q. Now, when you said you heard more about what the
5 daughter was saying as far as suing the company, do you
6 remember what exactly made you prompt Mrs. Payne to then
7 commit something to writing?

8 A. Regardless of the daughter calling or not, as a
9 procedure, I wanted her to put something in the file to
10 document it because it's always better that you have
11 employee files completed with full documentation. So I
12 wanted her to put it down saying she had this
13 conversation with her about this. Because whenever you
14 terminate somebody, you should write down what you
15 terminated for.

16 Q. So as general manager, as any type of manager
17 beforehand, Miss Payne was not aware that she had to
18 write things down of that nature?

19 A. Well, she was because she had worked at several
20 other jobs. But I guess in her case she hadn't gotten to
21 it when she had talked to me on the phone. So I said
22 it's very important that you put it down before you
23 forget.

24 Q. What information, again, what information did the

1 daughter tell you or tell Ms. Payne that she communicated
2 to you about a lawsuit?

3 A. She didn't say anything or, at least, Joan didn't
4 tell me. All she said, daughter is threatening and she's
5 very abusive on the phone. And I had an earful of it.

6 Q. Continue.

7 A. But that's all she said.

8 Q. She didn't say any specifics as to why you would
9 be sued?

10 A. Some kind of a charge. And I don't remember
11 exactly what kind of charge. And my reaction to Joan
12 was, Delaware is at will employment. So what is the
13 point of having at will employment if the employee and
14 the employer can't come to agreement on something.

15 Q. Is there a reason why Payne 2 is recorded on a
16 Warning Notice?

17 A. That's the only paper we have. Everything is on
18 a Warning Notice.

19 Q. And this is dated 8/20/03; is that correct?

20 A. Yeah.

21 MR. CONNORS: Object to the form.

22 Q. Is this accurate?

23 A. Based on the time line that she's told me, it
24 could be within the time frame that we discussed because



1 I saw it a week later.

2 Q. You saw this document a week later, 27th or --

3 A. Right. Because it was verbal, you know, it was
4 okay.

5 Q. And it says the date of violation was the a.m. of
6 August 16th, 2003, correct?

7 A. Yes.

8 Q. And then the Warning Notice was not written until
9 the 20th according to this document?

10 A. Right.

11 Q. I'm sorry. Do you recognize this as Ms. Payne's
12 signature under person manager's signature?

13 A. Yes.

14 Q. Do you know if this verbal Warning Notice was
15 given to Mrs. Palmer?

16 A. Yes. That's what Joan told me.

17 Q. That she actually did give this to her?

18 A. That before termination she had a conversation
19 with Ms. Palmer about the complaints over the weekend.
20 And then they started discussing the schedules and that's
21 when it didn't work out.

22 Q. You said this notice was written after
23 Mrs. Palmer's termination. And this was the only paper
24 that you all had to record why Mrs. Palmer was



1 terminated?

2 A. Well, the verbal warning was given to her.
3 That's why I said you put it down on a paper that you
4 gave a verbal warning so, for my record, I have that you
5 gave a verbal warning.

6 Q. So this is after the fact?

7 A. I don't know when she filled it out. But I did
8 not have it when I was there on the next day, Thursday.

9 Q. And if this was done after Mrs. Palmer's
10 termination, is there a reason why it's not indicated
11 here that Mrs. Palmer was in fact terminated? Excuse me.
12 That she was let go. It does say that. I'm sorry. I'm
13 just confused as to whether she where this before
14 Mrs. Palmer's termination or this was written after per
15 your instruction to make sure there was something
16 documented to reflect why Mrs. Palmer was terminated.

17 A. Well, to close her file, because once an employee
18 leaves, I said put down what the reason you terminated
19 her for in the file. And, apparently, she put it on this
20 paper, which was fine with me because it's still a
21 warning anyway. I said, okay, not a problem.

22 Q. Is a warning notice the same as a termination
23 notice?

24 A. No. Typically, you would have termination, you



1 write down the cause.

2 Q. But has Joan Payne indicated to you that she
3 allowed Mrs. Palmer to review this?

4 A. What is it?

5 Q. Did Joan Payne indicate to you that she gave this
6 Warning Notice to Mrs. Palmer?

7 A. No.

8 Q. Just to clarify your earlier testimony, you said
9 that she did allow Mrs. Palmer to see the Warning Notice.
10 Is that not true?

11 MR. CONNORS: Object to the form.

12 A. No, I never said that.

13 MS. SMITH: Are you saying no to answer his
14 question for him or are you just objecting?

15 MR. CONNORS: I said objection to the form.

16 MS. SMITH: Can you read back Mr. Patel's
17 testimony about whether the Warning Notice was given to
18 Mrs. Palmer to review?

19 (Thereupon, the reporter read back as
20 requested.)

21 THE WITNESS: Maybe I'm misunderstanding the
22 question. I'm assuming -- are you asking me did Joan
23 give her this paper?

24 BY MS. SMITH:

1 Q. Did Joan give Mrs. Palmer the Warning Notice,
2 Payne 2?

3 MR. CONNORS: The paper?

4 Q. The actual form.

5 A. No, not that I'm aware of, no.

6 Q. And that this document was more than likely
7 written after Mrs. Palmer was terminated?

8 MR. CONNORS: Object to the form.

9 A. Possibly. I'm not sure about that. Because I
10 just wanted documentation in the file what she was
11 terminated for. Basically, I asked what she told me on
12 the phone. I said put it down.

13 Q. And when you indicated this was the only form
14 that you had, are you assuming that this is the form that
15 she wrote it on, what you requested, asked her to write
16 down?

17 A. Well, I wasn't concerned whether she will write
18 on this form or she would type up a little paragraph
19 saying the reasons, whatever. I just wanted something in
20 the file what she got terminated for.

21 Q. And before that she indicated that she had
22 nothing in writing; is that correct?

23 A. No, I did not ask her that. When the
24 conversation was done, I said make sure you have



1 something in her file written down. So did I not ask her
2 did you have it in writing, no. I did not ask her that.

3 Q. And, to your knowledge, is this the only thing,
4 only item in Ms. Palmer's file that has anything to do
5 with their conversation before her termination?

6 A. I couldn't tell you. I would have to see the
7 whole file.

8 Q. Did you review the file before your deposition
9 testimony today?

10 A. No. Because I know the whole incident because I
11 was the one who started with her.

12 Q. Was Miss Payne working on August 16th, 2003?

13 A. I couldn't remember because that's the weekend.
14 So normally she could have came in or she may not have.
15 I don't know. It depends. A busy weekend she would come
16 in. And she was still trying to learn the operation. So
17 I couldn't remember.

18 Q. I know you said that you remember most of the
19 incidents surrounding this case. That's why I thought I
20 could ask you.

21 Now, this was the weekend that Mrs. Palmer
22 went to work her first full weekend. But it's your
23 testimony that you don't recall if Miss Payne was at work
24 on the 16th?

1 A. Well, it's a possibility she could have came in
2 and gone. It's also a possibility that she wasn't there
3 the entire time Palmer was there. And being they had
4 conversation later in the week, it's a possibility that
5 she was not there. Otherwise, she would have had a
6 conversation immediately right there on the spot.

7 Q. And in regards to the guest cards, the comment
8 cards, what is the Nabstar policy on receiving customer
9 complaints on the comment cards as far as where they are
10 kept?

11 A. Okay. The comment cards are in every room. And
12 they leave some at the front desk. Not every guest fills
13 out a comment card. Most of the guests there complain
14 verbally. And the front desk will sometimes write it up
15 or sometimes will just tell the manager verbally. If
16 it's maintenance related, they put it in the maintenance
17 log that's at the front desk.

18 Q. So as general manager, Joan Payne, it is her
19 responsibility to know how the customer complaints are
20 received; is that correct?

21 A. Yes.

22 Q. Would she be more aware of the day-to-day
23 operations as far as how customer complaints are handled
24 via comment card, verbal or in writing, would she be more



1 knowledgable of that than yourself?

2 A. She would have first the attention to the
3 complaints than I would because she's at the property.
4 But if it's verbal complaints, then she, obviously, she
5 would have first knowledge than I would.

6 Q. I think my question is more procedure wise. As
7 general manager with the day-to-day operation of how
8 things are actually handled at this property, would she
9 have more knowledge of how that is done more so than
10 yourself?

11 A. Well, procedure wise it would be equal knowledge
12 both because, obviously, we have to agree on the
13 procedures.

14 Q. So your just as aware of how customer complaints
15 are received and documented as Miss Payne?

16 A. Right. However, there are several ways
17 complaints could be made.

18 Q. Okay. So it's your testimony that guests can and
19 have come in to verbally complain and then later on it is
20 written down?

21 A. Okay. No. Guests can fill out a comment card.
22 We can ask guests if they are doing verbal complaint to
23 fill it out on a comment card because it's better for us
24 tracking wise. But some guests will over the phone.



1 Some will send you a letter or will complain to the front
2 desk agent. Sometimes if it's people like me, I always
3 call and ask for the general manager.

4 Q. How involved were you during the investigation of
5 this charge of discrimination filed by Mrs. Palmer?

6 A. I think I've seen almost every letter that
7 they've sent. Then I have asked Joan to respond with the
8 information they requested.

9 Q. How did you react when you learned that there was
10 a charge of discrimination filed against your company?

11 A. Honestly, I thought it was pretty bad that I was
12 taking in an employee that we were trying to do good for
13 and it kind of backfired on it. That was my first
14 reaction. I couldn't believe it.

15 Q. Did you want this matter to resolve itself
16 quickly?

17 A. Yes. I really thought the first letter would
18 resolve it because we listed down, honestly, exact thing
19 except the dates of -- the first dates are off. But, I
20 mean, it's pretty much written down exactly what
21 happened. And that's why I really thought it was
22 resolved. Then I couldn't -- I was just scratching my
23 head. I told Joan I couldn't believe it. I'm trying to
24 help somebody here. I didn't have to take the employee.



1 If age was an issue, I never had to hire her to begin
2 with. We were just looking for a good person to work
3 with.

4 Q. So I'm just clarifying. Did you hire her or did
5 Miss Payne hire her?

6 A. It looks to me like I hired her because I had
7 first conversation and Joan just went along because she
8 was, Joan was first or second week on the job and she was
9 like whatever you say, boss.

10 Q. Now, back to my question about the investigation.
11 Did you, in your initial responses to the EEOC in the
12 investigation, did you review what Miss Payne sent to the
13 commission as far as responses to make sure that they
14 were accurate?

15 A. No, I did not actually. Because I read the
16 letter like a week or two later and she said I think this
17 is a pretty good understanding. And then it really hit
18 me when I was sitting that the first date was wrong.
19 Because when I read the first letter of the paragraph, it
20 made sense to me, exactly what happened.

21 Q. Did you allow Miss Payne to respond to mostly all
22 the letters?

23 A. She responded to all of them, right.

24 Q. Did you have any partake in any of the responses



1 to the commission?

2 A. Only with the incident that started with the
3 meeting with her. The discussion that we had when she
4 came in and screamed in the lobby and then I had to come
5 in, those incidents I had to explain it to her. Because
6 she wasn't present.

7 Q. Was this after Miss Payne wrote this letter?

8 A. No. I talked to her during this time, explaining
9 it to her that you need to explain to EEOC that she came
10 in on this date. However, the date, she got it wrong.
11 That's what I told you. Joan, I have to tell her to
12 write down everything or she'll forget.

13 Q. I think my question was: Was it before or after
14 the date and you said you spoke to her regarding that
15 letter? Was that your answer?

16 A. No, no, no. When the first letter came in, she
17 gave it to me, the letter. Because, obviously, she said
18 you started with Palmer. So tell me what exactly
19 happened with the hiring process. So I gave her my
20 notes. And then I said you need to write down any
21 complaints or whatever you receive because you were in
22 operation. So you need to write that down, the
23 termination part, because you apparently terminated her.

24 So I don't have the exact wording and



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1 details that you had conversation with her so you need to
2 put that down. So I guess since I was involved in the
3 beginning part of it, I had to give her the beginning
4 part of it. And the operation and complaint part, she
5 had to fill that in.

6 Q. So the letters that she drafted, you were not
7 involved in every single letter that she drafted to the
8 commission in regards to this investigation?

9 A. No. In some ways I would be involved a little
10 bit to it depending on what information they asked for.

11 Q. And the person who would have the most access to
12 any customer comment card would be Miss Payne?

13 A. Joan, yes.

14 Q. The person who would have the most access to any
15 customer cards or customer complaints in writing would be
16 Miss Payne; is that correct?

17 A. Yes.

18 Q. Was any other employee discharged due to customer
19 complaints at all since Nabstar began?

20 A. Yes. Last year we terminated two employees
21 because somebody dropped off a gift check for a
22 restaurant and used it for personal and were terminated
23 right there on the spot.

24 Q. Was that a customer complaint or theft?



1 A. That was actually both because we found out when
2 the customer came back and said did you receive my gift
3 checks. So it was a complaint and theft at the same
4 time.

5 Q. So it was response to an inquiry from a customer
6 asking --

7 A. That's how we found out.

8 Q. So it was a customer who inquired about gift
9 checks. And after some investigation, you realized that
10 it was one of your employees that actually stole the gift
11 checks and then you terminated that person for stealing.

12 A. Stealing, not reporting, customer complaint.

13 Q. Not reporting?

14 A. Not reporting that they received the gift checks
15 for the hotel use. Terminated the person and his
16 girlfriend both because they were both involved, which we
17 found out that they were dating after the incident. And,
18 on the record, that was Joan and she did that before
19 similar way.

20 Q. Did you receive a request to supply the
21 commission with customer complaints?

22 A. I'm not sure I understand the question.

23 Q. Did you ever receive a request during the
24 investigation about customer complaint cards, about



1 supplying the commission with those customer complaints?

2 A. I don't remember that in the letter. But I think
3 when one of the letters, I said you should put down any
4 comment cards or complaints that you have written, to
5 copy it. And then she said let me look in the complaint,
6 comment card files.

7 Q. Did you know if, during the investigation,
8 Miss Payne was able to locate any guest comment cards
9 related to Mrs. Palmer?

10 A. She told me she thought she found two cards.

11 Q. I'm sorry. Let me clarify. This is during the
12 investigation, not the litigation.

13 A. You know, honestly, I thought we were still in
14 the investigation part here.

15 Q. Let me clarify the question. I don't think you
16 understand. Are you aware that we are in a lawsuit right
17 now against your company in court and that's why you have
18 an attorney?

19 A. I thought we were going to the lawsuit part of
20 it. I wasn't sure if we were in the lawsuit part of it.
21 The whole time I kept telling, being the right guy, this
22 is a problem.

23 Q. So you don't know right now that there is a
24 lawsuit going on?

1 A. No. Actually, I'm not quite sure.

2 Q. Did you know that the EEOC filed a complaint in
3 federal court against your company?

4 A. I know they have filed a complaint, yes.

5 Q. That's what I mean. So there is a point in time,
6 prior to the EEOC filing a complaint in court, there was
7 a period of time when Investigator Evangeline Hawthorne
8 communicated with Miss Payne about gathering information
9 prior to the lawsuit being filed.

10 A. Right. See, I think the confusion happened was,
11 after our first response, we didn't hear back for a few
12 months. And we really thought the file was closed.

13 Q. I didn't ask a question. I haven't asked a
14 question.

15 MS. SMITH: Could you read back the last
16 question?

17 (Thereupon, the reporter read back the
18 pending question.)

19 BY MS. SMITH:

20 Q. Were you involved in the investigation stage of
21 the charge of discrimination, which was prior to the
22 lawsuit being filed, prior to the complaint being filed
23 in federal court?

24 MR. CONNORS: Object to the form. You can



1 answer.

2 THE WITNESS: I'm not sure I understand the
3 question. In the sense the investigation meaning
4 replies?

5 BY MS. SMITH:

6 Q. Your correspondence -- I'm referring to the
7 correspondence between Nabstar officials and Evangeline
8 Hawthorne, who is an investigator with the EEOC. Were
9 you involved in any of those correspondence letters in
10 formulating Nabstar's responses?

11 A. Yes, I was involved with the letters in the part
12 where she needed information about how we met Palmer or
13 found out about Palmer. Because there was the first one
14 from my company to find out about Palmer on the 9th.

15 Q. And I believe that I was asking about, do you
16 recall during the investigation that the EEOC requested
17 guest comment cards referring to Mrs. Palmer?

18 A. No, I'm not aware of that.

19 MR. CONNORS: Off the record.

20 (Thereupon, a discussion was had off the
21 record.)

22 (Patel Deposition Exhibit No. 1, Letter From
23 the EEOC Dated February 24, 2005, was marked for
24 identification.)

1 BY MS. SMITH:

2 Q. Have you ever seen this document before,
3 Mr. Patel?

4 A. Possibly. I can't recall a hundred percent, but
5 it looks familiar. Anything regards to this, she would
6 show it to me.

7 Q. Anything in regards to what issue? I'm sorry.

8 A. For this charge number, she would show me at
9 least.

10 Q. Miss Payne would show you?

11 A. Yeah. But --

12 Q. I'm not done my other question.

13 A. I want to finish my other answer.

14 Q. I just asked if you had ever seen the document
15 before. You said it looks familiar.

16 A. Maybe. I'm not sure. But possibility, yes, I
17 said.

18 Q. Okay. What date does it state at the top?

19 A. February 24.

20 Q. What year?

21 A. 2005.

22 Q. And could you read me after "Dear Miss Payne,"
23 first paragraph, and then language after number one?

24 A. "As you know, I had been assigned to investigate



1 the above referenced matter. I have reviewed the
2 information forwarded in response to the charge of
3 discrimination and determined that following additional
4 date is needed. Provide copies of guest comment cards
5 that you received which were critical of CP's
6 performance."

7 Q. Did you, in fact, supply Miss Hawthorne with
8 those comment cards?

9 A. I don't know if she did. I did not. Because if
10 it's something like this, it's a possibility she might
11 have just told me on the phone and I said go ahead with
12 it.

13 Q. Go ahead with what?

14 A. If you have anything, give it to her.

15 Q. Did Miss Payne indicate to you that there were,
16 in fact, comment cards that customers did fill out to
17 complain about Mrs. Palmer?

18 A. I think she did because she thought she found
19 some for August.

20 Q. And you told her to, please, supply that to the
21 commission; is that correct?

22 A. I said, if you have anything, yes, go ahead, send
23 it to them.

24 Q. Are you aware that, in fact, Miss Payne did not

1 supply the commission with any comment cards?

2 A. No, I'm not.

3 (Patel Deposition Exhibit No. 2, Letter of
4 Determination, was marked for identification.)

5 BY MS. SMITH:

6 Q. Take a second to read that. I really want to
7 focus on the first page. Have you ever seen this Letter
8 of Determination before from the EEOC?

9 A. Yes.

10 Q. And on the first page, the last paragraph on the
11 page, the first two sentences ending in complaints, so
12 the last paragraph --

13 A. What about it?

14 Q. Can you read it for the record, please?

15 A. "Respondent claims that charging party was
16 discharged for schedule conflicts or for performance
17 insubordination. Respondent claims that charging party
18 received several guest complaints after her first weekend
19 of work, however, failed to provide any evidence of such
20 complaints."

21 Q. So according to this Letter of Determination, the
22 commission never received any guest complaints despite
23 our requests for such complaints during the
24 investigation; does that appear accurate to you?



1 MR. CONNORS: Object to the form.

2 A. The letter says so. I guess that always seems
3 like set in stone, so --

4 MR. CONNORS: Don't guess.

5 Q. Don't guess. This information contained in the
6 Letter of Determination sent to Nabstar, and you see this
7 date here, can you read that?

8 A. 3/31/05.

9 Q. And that signature, what is the name under the
10 signature?

11 A. Marie Tomasso.

12 Q. This letter, the information that's indicated in
13 that paragraph in those two lines that you read, is that
14 accurate?

15 A. Well, the verbal complaints is a verbal
16 complaint. So you are not going to get that. The
17 comment cards, if we have them on file, then we will be
18 happy to give it to you.

19 Q. My question is: Is this accurate that no guest
20 comment cards were given to the commission prior to the
21 filing of the complaint after you received this Letter of
22 Determination?

23 A. Yeah, actually, after this letter was given, I
24 think we turned it over to our attorney for insurance



1 company. And I thought they would guide me through the
2 whole process and see what they need. Because I never
3 had a case like this. I was not sure what I had to do.

4 Q. When you were notified about the Patel 1, you
5 testified earlier that you didn't know if you turned
6 anything into the commission during the investigation; is
7 that correct?

8 A. It's a possibility that -- if I saw the letter,
9 then they definitely would have the information. If she
10 asked me on the phone what to do, I probably would say,
11 yes, go ahead and send it to them.

12 Q. And if the Letter of Determination from the
13 commission indicates that we did not receive such comment
14 cards, would that be something that you disagree with?

15 A. I would have to ask Joan, because she was the
16 responding party, to see what she did with it or she
17 responded.

18 Q. Were comment cards provided to the EEOC during
19 our formal discovery after we filed a lawsuit?

20 A. I don't think so. Not in initial inquiry, no.

21 Q. I'm talking about after we filed the lawsuit in
22 response to the requests for documents.

23 A. I thought she said she found some. But we found
24 out earlier it was incorrect.



1 Q. Earlier meaning --

2 A. In Ms. Payne's deposition.

3 Q. Now, it appears that the EEOC has requested these
4 comment cards on February 24, 2005, again requested them
5 in our interrogatories and requests for documents on
6 November 22nd, 2005, November 22nd and November 23rd of
7 2005, and we have yet to receive the comment cards that
8 defendant has claimed exist in regards to Mrs. Palmer.

9 Is it your testimony that these comment cards exist?

10 MR. CONNORS: Object to the form.

11 A. November 23rd I was not in the country. So if
12 you ask for it or requested it, I would have not have
13 gotten one.

14 Q. Your attorney was supposed to indicate to you and
15 Miss Payne that we did request the documents in our
16 request, in our formal request in this litigation. Did
17 your attorney speak to you regarding our formal request
18 for documents at any time between then and now?

19 A. Yeah. First inquiries, yes.

20 Q. And this is after we filed a lawsuit in this
21 case.

22 A. Okay.

23 Q. Not with Miss Hawthorne. I'm talking about with
24 the actual lawsuit.

1 A. Okay. Based on the date you requested --

2 Q. I'm not asking you about the date you requested.

3 I'm asking if these comment cards exist.

4 A. I would have to ask Joan because she has the
5 files in her office. If she tells me she has them, then
6 she would have them.

7 Q. My question to you is: We have asked for them
8 before at least twice in writing as you see here, 24th,
9 and again through your attorney we asked for these
10 documents. And I'm asking if Mr. Connors ever spoke to
11 you and asked to, please, produce or check your files for
12 these particular comment cards.

13 MR. CONNORS: Don't answer that question.
14 That's attorney/client privilege.

15 BY MS. SMITH:

16 Q. It relates to your due diligence in regards to
17 this matter, if you were contacted by anyone to find out
18 if you had any information regarding this lawsuit.

19 MR. CONNORS: Object to the form.

20 A. I received this letter. I gave it to them.

21 Q. Who?

22 A. The attorney's office. And whatever they asked
23 me I tried to give to them.

24 Q. Did anyone ever ask you for any customer



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1 complaint cards after the filing of this lawsuit?

2 A. None that I can recall. If it's something that
3 Joan might have got, I don't know, and if she didn't pass
4 that on to me.

5 Q. Are you involved in this litigation?

6 A. I'm involved since I knew about her from the
7 beginning, yes.

8 Q. Are you someone that may have information or
9 documents relating to the charge of discrimination or
10 this lawsuit?

11 A. Repeat the question.

12 Q. Are you someone that would possibly have
13 information regarding Mrs. Palmer's charge of
14 discrimination against your company?

15 A. No, I would not have the full information. I
16 would have to see the employee file.

17 Q. So you are not a principal person in charge of
18 this organization for purposes of this lawsuit?

19 MR. CONNORS: Object to the form of the
20 question.

21 THE WITNESS: It depends.

22 BY MS. SMITH:

23 Q. Do you have any information at all regarding this
24 lawsuit?

1 MR. CONNORS: Other than what he's already
2 testified for three hours today?

3 MS. SMITH: Are you objecting?

4 MR. CONNORS: I object. Yeah. That's a bad
5 question.

6 MS. SMITH: That's not a real objection. Or
7 are you going to make a speaking objection?

8 MR. CONNORS: We have been here for three
9 hours now. He's given you all the information he knows
10 about the case.

11 MS. SMITH: Your conduct, Mr. Connors, is
12 not proper.

13 MR. CONNORS: Your questions are not proper.
14 I objected to the form of them. If you want to continue,
15 you may continue.

16 MS. SMITH: I would like to without you
17 making continuing speaking objections. If you want to
18 further interrupt and impede the process in this matter,
19 we can take it up for the judge. In the interest of
20 time, I would like to continue. Your speaking objections
21 are completely out of line.

22 MR. CONNORS: No, they are not. They are
23 not speaking objections either.

24 MS. SMITH: If you object to the form, you



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1 object to the form.

2 MR. CONNORS: I've objected to the form of
3 the question.

4 BY MS. SMITH:

5 Q. Now, do you know any information at all regarding
6 any of the customer comment cards in this matter?

7 A. Only what the managers or Joan at the hotel had
8 summarized for me, which is the breakfast complaint and
9 the cleanliness.

10 Q. And your testimony is no one, your attorney has
11 not contacted you to inquire as to whether you in fact
12 had any comment cards or if these comment cards actually
13 existed?

14 A. I don't recall any conversation on it.

15 Q. Okay.

16 A. However --

17 Q. I just asked you yes or no. Either he did or he
18 didn't.

19 A. We could have talked about a few things and I
20 can't remember every little word of it.

21 Q. But you don't remember him asking him for that?

22 MR. CONNORS: Object to the form.

23 Objection. Asked and answered.

24 BY MS. SMITH:

